

REMARKS

Claims 19 and 22-36 currently appear in this application. The Office Action of December 17, 2007, has been carefully studied. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicant respectfully requests favorable reconsideration, entry of the present amendment, and formal allowance of the claims.

Amendments to the Claims

Claim 19 has been amended to include the limitations of now-cancelled claims 20 and 21. As amended, claim 19 is drawn to a pillow having the following features:

- an oval annular shape;
- a central opening and a resting surface;
- a secondary transversely located body;
- a pair of tapered recesses; and
- a resting surface raised at the diaphragm with respect to the neck area.

Art Rejections

Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Heaston, U.S. 5,037,436.

This rejection is respectfully traversed. Heaston does not disclose a pillow. Heaston discloses a support for a

breast prosthesis. While the Examiner alleges that the embodiment disclosed in Figures 9-11 look like the herein claimed pillow, it is also true that the device in Heaston could not be used as a pillow. The Heaston device is only designed for receiving a breast prosthesis when not in use. The size and shape of the Heaston device is not designed to support the weight of a person resting on it. In fact, at column 1, lines 64-68, Heaston describes the device, or bladder, as "made of a material that is flexible in nature so as to readily conform with the contour of the breast prosthesis but is rigid enough to retain the prosthesis in a non-deformed configuration."

Furthermore, the Heaston device is very high with respect to the depth of the recesses, as shown in figure 19. therefore, the use of such a support as a pillow would result in a very uncomfortable position. There is no hint at all in Heaston of using the support as a pillow, particularly since the bladder is designed so as to retain the prosthesis in a non-deformed configuration.

Heaston pertains to a completely different field with completely different problems to be solved. One skilled in the art of pillow design and manufacturing would not look to supports for prostheses for ways to solve problems in pillow design.

Heaston does not disclose a pillow having an annular shape as in the pillow claimed herein. "Having an annular shape", as illustrated in the figures of the present application, means that the pillow has the shape of a ring with a hole in the central region. The Heaston device does not have a resting surface, *i.e.*, it does not have a surface outside the zone of recesses, and it does not have a resting surface raised at the diaphragm zone with respect to the neck zone.

It is understood that the manner in which the claimed apparatus differs from a prior art apparatus satisfying the claimed structural limitations does not impart patentability. However, it should be noted that Heaston is a one-part device, whereas the herein claimed pillow comprises two parts: a main body which is substantially an annular oval, and a secondary body that is of elongate shape. It is not understood how a one-piece apparatus can anticipate a two-part apparatus.

Claims 19-21 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howe et al., U.S. Des. 220,823.

This rejection is respectfully traversed. Howe shows a pillow comprising a resilient body having a resting surface provided with a pair of recesses for receiving

breasts. Nevertheless, the pillow disclosed in Howe differs in a number of respects from the herein claimed pillow.

a. The Howe pillow has a completely different shape from the herein claimed pillow, the shape of the Howe is substantially a wedge rising from the abdominal zone to the breast zone. The Howe pillow does not have a zone for resting the neck and the head of the user. The Howe pillow terminates with recesses for the breasts. This is the only embodiment shown in Howe, and there is no indication on how to modify the shape of the pillow in order to improve its comfort performances.

b. The Howe pillow is rectangular in shape. In the case of the herein claimed pillow, the annular shape has been carefully selected in order to allow the user to hug the pillow during rest and comfortably rest the entire body, from the chest to the neck.

c. The Howe pillow has the shape of a wedge rising from the abdominal zone to the breasts zone. This is exactly the opposite of the herein claimed pillow, which has a resting surface that is raised at the diaphragm zone with respect to the neck zone. This feature is very important for improving respiration of the user.

It is respectfully submitted that Howe teaches away from the presently claimed annular pillow, as the Howe pillow

terminates at the recesses for the breasts and provides no support above the region of the breasts. If the Howe pillow is used from the opposite side, there is no resting surface at the diaphragm zone, thus making respiration for the user more difficult.

It should be noted that the main body of the herein claimed pillow is annular, which means, according to Dictionary.com, means having the form of a ring, or shaped like a ring. That is, the herein claimed pillow is an annular oval, a ring (open at the center) that is in the form of an oval.

There is more than merely routine skill in the art in changing the Howe pillow to the configuration claimed herein. Howe is one piece and the herein claimed pillow comprises two parts.

Claims 22, 27 and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howe in view of Glenn, U.S. 5,095,569.

This rejection is respectfully traversed. As noted above, the Howe pillow teaches away from the presently claimed pillow. Glenn adds nothing to Howe, as Glenn also is not an annular shape, and is in the shape of a wedge rising from the abdominal zone to the breasts zone. This conformation is opposite that of the herein claimed pillow, which has a

surface at the diaphragm zone that is higher than that at the neck zone.

Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howe in view of Glenn and further in view of Bernard, U.S. 3,941,418.

This rejection is respectfully traversed. Neither Howe nor Glenn discloses a pillow having a main body that is a substantially oval annular shape, and a secondary body of elongate shape. Bernard adds nothing to Howe and Glenn, as Bernard merely shows an upholstered seat. The seat is neither oval nor annular. It is not understood how this combination of references can lead one skilled in the art to a pillow having a substantially oval annular main body and a secondary body of elongate shape.

It is respectfully submitted that Bernard is not pertinent to the particular problem with which the inventor is involved. The presently claimed pillow, which comprises two part, is designed to support a woman's body when the woman is lying face downwards. The pillow claimed herein has a central opening allowing breast insertion and a secondary body of elongate shape so as to position itself between the breasts. This has absolutely nothing to do with an upholstered seat, which cannot possibly be used by a woman lying face down.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Howe in view of Glenn and Bernard and further in view of Schick, U.S. 3,051,601.

This rejection is respectfully traversed. Schick merely discloses a laminated polyurethane foam cushion, and there is no teaching or suggestion that this cushion can have the annular, oval shape of the pillow as claimed herein. None of the cited patents teaches or suggests a pillow having two parts: an oval annular main body and a transverse secondary body.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Howe in view of Schick.

This rejection is respectfully traversed. Claim 28 contains the limitations of claim 19, namely a pillow having two parts. There is nothing in either Howe or Schick that even suggests a pillow having two parts, one of which is an oval annular pillow.

Prior Art Made of Record

It is noted that Dazzi, the prior art made of record, is merely considered pertinent to applicant's disclosure.

In view of the above, it is respectfully submitted that the claims are now in condition for allowance, and favorable action thereon is earnestly solicited.

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Respectfully submitted,

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